

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**LAURA FAUGHT and STEVEN
FAUGHT, on behalf of themselves and
all others similarly situated,**

Plaintiffs,

Case No.: 2:07-CV-1928-RDP

v.

**AMERICAN HOME SHIELD
CORPORATION,**

Defendant.

RENEWED MOTION FOR CLASS CERTIFICATION

Pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure, plaintiffs Steven and Laura Faught (“plaintiffs” or “the Faughts”) move the Court for an order certifying a nationwide class action, as to monetary relief only for the breach of contract claims asserted in the complaint. The Class definition is as follows:

All persons in the United States of America who entered into an a AHS home warranty relating to a home located within one of the fifty states of the United States with an initial commencement date of on or after January 1, 2001, and who during the initial contract term had one or more claims for repair or replacement of a covered component denied based on the claimed reason that the component was not properly cleaned or maintained.

This motion is based upon and hereby incorporates by reference herein the

prior pleadings and the Memorandum of Law and Evidentiary Submissions¹ filed contemporaneously with plaintiffs' originally filed Motion for Class Certification filed on or about September 11, 2008.

WHEREFORE, the premises considered, plaintiffs pray for an order:

1. Certifying the breach of contract claims for monetary damages as a nationwide class pursuant to Rule 23(b)(3);
2. Appointing D. Frank Davis as class counsel pursuant to Rule 23(g);
3. Authorizing notice to the class members in a form to be hereafter approved by the Court; and
4. Such further or different relief as the Court may deem appropriate.

/s/ D. Frank Davis

D. Frank Davis

Lead Plaintiff Counsel

Of Counsel:

John E. Norris

Wesley B. Barnett

DAVIS & NORRIS LLP

The Bradshaw House

2154 Highland Avenue South

Birmingham, Alabama 35205

(205) 930-9900

fdavis@davisnorris.com

jnorris@davisnorris.com

¹ The Court entered an Order on October 24, 2008 placing some of the Evidentiary Submissions under seal.

wbarnett@davisnorris.com

CERTIFICATE OF SERVICE

I hereby certify that the following counsel of record was served by filing with the Court's electronic filing system on this the 31st day of October, 2008:

Michael D. McKibben
Michael R. Pennington
Jason A. Walters
BRADLEY ARANT ROSE & WHITE
LLP

One Federal Place
1819 Fifth Avenue North
Birmingham, Alabama 35203

Telephone: (205) 521-8000

Facsimile: (205) 521-8800

mmckibben@bradleyarant.com

mpennington@bradleyarant.com

jwalters@bradleyarant.com

*Attorneys for Defendant
American Home Shield Corporation*

Robert R Gasaway
KIRKLAND & ELLIS LLP
655 Fifteenth Street NW, Suite 1200
Washington, DC 20005
202-879-5175
202-879-5200 (fax)
rgasaway@kirkland.com

*Attorneys for Defendant
American Home Shield Corporation*

Martin R Boles
KIRKLAND & ELLIS LLP
777 S Figueroa Street, 37th Floor
Los Angeles, CA 90017
213-680-8428
213-680-8500 (fax)
mboles@kirkland.com

*Attorneys for Defendant
American Home Shield Corporation*

/s/ D. Frank Davis

OF COUNSEL